DOCUMENT RESUME

ED 135 370 IR 004 476

AUTHOR Fadenrecht, George H.
TITLE Public Printing.
INSTITUTION Central Washington State Coll., Ellensburg.
PUB DATE Nov 76
NOTE 80p.

EDRS PRICE MF-$0.83 HC-$4.67 Plus Postage.
DESCRIPTORS *Government Publications; Historical Reviews; History; Local History; *Printing; *Publishing Industry; State Agencies; State Aid; State Government; *State Legislation; Textbook Publications
IDENTIFIERS Kansas

ABSTRACT

Beginning with an historical account of the development of public printing in various states, this report proceeds specifically to trace the development of public printing in Kansas from 1857 until 1957. Emphasis is on the historical, political, and legislative processes and on budgetary concerns during this one hundred year period. A major part of the report deals with historical issues in school textbook publication by the state of Kansas. (DAG)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED135370

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

PERMISSION TO REPRODUCE THIS COPYRIGHTED MATERIAL HAS BEEN GRANTED BY

George H. Fadenrecht

TO ERIC AND ORGANIZATIONS OPERATING UNDER AGREEMENTS WITH THE NATIONAL INSTITUTE OF EDUCATION. FURTHER REPRODUCTION OUTSIDE THE ERIC SYSTEM REQUIRES PERMISSION OF THE COPYRIGHT OWNER.

Public Printing

by

George H. Fadenrecht

I R004476

INTRODUCTION

State ownership of a printing plant has been opposed by private industry in all the states where it has been instituted and in all others where it has been considered and eventually rejected. Furthermore, opposition to a state printing plant has been found not only in the printing industry but also among political groups who conscientiously believed it wrong for that state to go into printing and by those who thought the state might suffer an economic loss through establishing such an agency. In the states of Kansas and California, where textbooks for the schools were printed by the state, even opposition from teachers has usually been quite vocal, however, weak or strong their arguments may have been. Because of these diverse obstacles to state printing plants, Kansas has been one of only five states in the Union that, like the Federal Government, own their own printing establishments. And even more particularly, Kansas and California are the only states that have printed the textbooks used in the public schools.

To further summarize in the case which is Kansas: The question of public printing, whether by contract or by state plant, has caused a disproportionate amount of bickering, and shared immoderately in various political machinations in Kansas ever since Kansas

became the thirty-fourth state in the Union. Some of the criticism has come because state printing was a government endeavor in a field thought to be reserved for private industry; some came because the state printer posed as the publisher of whatever was printed when he was in fact no more than a jobber; some came because of mismanagement; and some came because of jealousy, the jealousy of private industry, as well as jealousy between aspirants to political jobs.

The writer will attempt to present the story of public printing in Kansas to 1957, when multiple adoption of school textbooks became a reality and state textbook publishing could no longer be considered economical.

The terms "state printing" and "public printing" are often used interchangeably, depending upon the area of the country being discussed and sometimes upon the period of history under examination. To avoid confusion, the term "public printing" will be used consistently throughout this study. Public printing as used here will refer to that printing needed by the central government and its agencies and usually paid for by state appropriated funds.

CHAPTER I

A SUMMARY OF PUBLIC PRINTING

OUTSIDE OF KANSAS

Prior to the establishment of the Government Printing Office, the national government let its printing jobs by contract. The United States Government Printing Office was born out of the increasing need of the Federal Government to disperse information and to communicate with its various agencies via the printed page. The need became acute during the Civil War, resulting in the authorization by Congress on June 23, 1860, to establish a national printing office. President Lincoln appointed John D. Defrees as the first superintendent of the Government Printing Office.[1] In responding to the tremendous demands placed upon it, this office has today become the largest printing establishment in the Americas, if not in the entire world.

In essence, the state pattern of public printing has followed that of the national government. Some states have started with and continued the contract. Others have built their own printing plants

---

[1]Mississippi. Senate. Report of the Special Legislative Committee appointed by Governor Theodore G. Bilbo . . . to investigate the State Printing Plants of Kansas and California . . . 1928, State of Mississippi, p. 6. (Hereafter referred to as Mississippi Report.)

and monopolized the state's public printing. Still others have used prisons or industrial schools as state plants to meet their needs, operating either on a competitive bidding system, or allowing a monopoly to prevail.

Even among the states that built printing plants, one finds a variety of practices. California and Kansas, for example, have long printed the textbooks used in the public schools of their states. While the printing of textbooks is contingent upon single adoption, yet many other states with single adoptions have not printed the textbooks, whether or not a state printing plant existed. And so it is that individual variations have multiplied.

While it is not the intention to give here an historical overview of printing in all of the states, a short statement of the basis for public printing in some of them will serve to place the public printing practices of Kansas in a proper setting.

Among the states eschewing printing plants, the State of Alaska has no special legislation on public printing and the Secretary of State believes that " . . . it will be some time before we can afford to even think about doing our printing."[2] Another state, Alabama, has statutes that provide that public printing and binding be done under contract, that the director of finance advertise biennially for ten days in not less than two nor more than four daily newspapers to

---

[2]Letter. Hugh J. Wade, Secretary of State, April 24, 1962.

solicit bids to contract for a two-year period.[3] The Mississippi investigation findings suggest that during World War I a Mississippi legislative committee considered building a state printing plant and upon the presentation of the committee's report such a bill passed the senate but was defeated in the house.[4] Public printing for the State of Arkansas is provided for in the constitution and is done by contract, with advertising for bids on printing and supplies conducted over a period of two years. As an example of the disbursement resulting from this system, Arkansas had sixty-four different contracts that were let biennially by the Secretary of State and approved by the Governor, State Treasurer, and State Auditor.[5]

In Colorado the state purchasing agent has the responsibility of supervision of all public printing for the state, and employs such persons as he deems necessary to direct and supervise the operation.[6] The law provides that printing be divided into three classes: (1) legislative printing, (2) session laws, (3) printing and binding of the reports of the officers of the Department of State as required by law to be printed, other books in which permanent records are to be

---

[3]Alabama Statutes. Title 55, Section 110, 112.

[4]Mississippi Report. p. 13.

[5]Letter from D. D. Glover, Jr., Deputy Secretary of State, April 18, 1962.

[6]Colorado. Revised Statutes. Vol. 5, Art. 2, Sec. 109-2-2.

kept, and ordinary commercial printing.[7]

Maximum prices for printing were established in the early forties, but an effort to revise them to bring them up to date "failed principally due to lack of understanding."[8] In 1924 a referendum creating a state-owned plant was defeated at the polls.[9]

The State of Delaware has no provision in its code for public printing but is on the contract system. Printing in excess of $500, as is true of all state purchases, must be advertised for public bid and the lowest bid must be accepted.[10]

All printing and binding in Florida is on contract to the lowest responsible bidder[11] and must be done within the state.[12] Printing in the state is divided into two classes, Class A, which includes all legislative printing and that done for the Supreme Court, and Class B, which includes all other printing required by the state not included in Class A.[13] Though Class A printing is done by general contract,

---

[7]Ibid. Sec. 109-2-3.

[8]Letter from Lacy L. Wilkinson, State Purchasing Agent, May 10, 1962.

[9]Mississippi Report. p. 13.

[10]Letter from Elisha C. Dukes, Secretary of State, April 5, 1962.

[11]Florida. Statutes. Chap. 283.01.

[12]Ibid. Chap. 283.01, 283.08.

[13]Ibid. Chap. 283.04.

Class B jobs must be let separately under the state purchasing commission regulations. The contract goes to the lowest bidder that can do the work within the state.[14] Bids, however, are required only on jobs in excess of $50 and advertising is required only for work costing over $2,000.[15] Procurement of printing is done by the Board of Commissioners of State Institutions.[16]

In Illinois all printing and binding is done under the general supervision and direction of the Department of Finance. This department usually lets bids on two-year contracts for each of the eight classes of printing. These eight classes are (1) the printing, folding, stitching, and trimming of bills, resolutions, and conference reports for the General Assembly, (2) & (3) legislative printing and binding, (4) printing and binding for the Attorney General, (5) printing, binding and indexing of election registers, (6) all pamphlet work not bound wholly or in part in cloth, leather or hard binding, and not in another class, (7) all job printing, (8) lithographing, maps, charts, and illustrations, engraving, steel- and copper-plate printing, electrotyping, half-tone, zinc, wood and other process work.[17] All

---

[14]Florida. Statutes. Chap. 283.10.

[15]Ibid.

[16]Ibid. Chap. 283.05.

[17]Illinois. Printing Law for Public Printing, Paper, Binding, Typewriter and Office Supplies for the State of Illinois. Department of Finance, August, 1961. Section 77.

paper for contracts must be supplied by the state.[18] The maximum prices, as is the case in Colorado, are specified by law.[19] Binding in Illinois is also divided into five classes, and maximum binding prices, as well as printing prices, are specified by law.[20]

The State of Idaho apparently does not have provisions for the centralized control of printing, as "most State offices put their printing jobs out on bid and use any printing facility that meets provisions of the bid and submits the lowest bid."[21]

Iowa's printing and binding is done by contracts which are let by the State Printing Board, consisting of the Secretary of State, Auditor of State, Attorney General, and two members appointed by the Governor.[22] This board is directed to appoint a person known as Superintendent of Printing, who serves at the pleasure of the board.[23] This officer oversees the printing activity of the state's printing but "is also sort of an arbitrator or watchdog in seeing that Publishers through the State . . . comply with the laws on legal printing."[24]

---

[18]Ibid. Sec. 87.

[19]Ibid. Sec. 102.

[20]Ibid. Sec. 104.5.

[21]Letter from James O. Click, Director of Curriculum, Department of Education, State of Idaho, done

[22]Iowa. Code of Iowa. Chap. 15, Sec. 15.1.

[23]Ibid. Chap. 16, Sec. 16.1 and 16.2.

[24]Letter from S. E. Tennant, Supt. of Printing, June 15, 1962.

Louisiana, Michigan, and Minnesota are on the contract system, with Michigan specifying lowest bidder contract in its constitution of 1908.[25] The Michigan Constitution of 1964 eliminates this provision, but the statutes specifically continue the contract provision and that the printing must be done within the state.[26] Maryland is also on the contract system which is handled by the Department of Budget and Procurement for all state agencies, but approximately thirty-five percent is done through the State Use Industries, which operates a large printing plant in one of the state's penal institutions. The law creating the State Use Industries requires the Department of Budget and Procurement to purchase whatever work can be produced at the proper price from this source.[27]

Again, public printing in Montana is on a contract basis with private printers, Montana firms being given a percentage preference on bids.[28] In Missouri, the state purchasing agent buys all public printing and binding for the state, but he may authorize any state penal, eleemosynary, or educational institution to produce all or part of its own printing and binding. All printing or binding in excess

---

[25]Michigan. Constitution. 1908. Sec. 25.

[26]Michigan Statutes Annotated, p. 542.

[27]Letter from A. G. Uhl, Chief of Purchasing Bureau, April 30, 1962.

[28]Letter from Frank Murray, Secretary of State, April 20, 1962.

of fifty dollars must be awarded to the lowest responsible bidder within the state.[29]

In Mississippi, printing is handled through the State Board of Public Contracts under provision of Chapter 5, Title 33, Code of 1942, which spells out the prices of each class of printing and binding and the responsibilities of the contractor. One stipulation is that all work must be done by Mississippi labor within the state, with the penalty for any breach of this condition fixed at twenty-five percent of the contract price. Maine has a similar procurement provision in that the Bureau of Purchases within the Department of Finances handles all contracts for printing and binding. This bureau uses bids, competitive quotations, contract for legislative requirements, and direct purchasing, choosing whichever will be most advantageous.[30]

Nebraska lets all its printing by sealed bids but in addition maintains a "printing room" with three multilith operators.[31] Bills were introduced in the legislature during the second decade of this century for the establishment of a state printing plant but were

---

[29]Missouri. Procurement Law. Sec. 34.170, 34.210.

[30]Letter from W. Douglass Jarvis, Director, Public Printing, April 27, 1962.

[31]Letter from Leo J. Beck, State Purchasing Agent, May 2, 1962.

always defeated.[32] Thus Nebraska remains essentially on the bid-contract system.

New York and New Jersey are both on the contract system. In New York, the Office of General Services in the Executive Department has the responsibility for letting bids and awarding contracts for all printing required by the state.[33] In New Jersey, the Director of Purchase and Property has general supervision. The printing bid list contains from fifteen to twenty printers, and there is a constant flow of bids going out and coming in. New Jersey has three separate bid lists: Book work, form work, and continuous and snap-out forms. Orders are awarded to the lowest bidder.[34]

The State of New Hampshire, through the supervision of the Division of Purchase and Property, makes use of the State Prison Industries, which has a rather complete print shop and fulfills approximately ninety percent of the state's printing requirements.[35] All other printing is contracted for under provision of the state law.[36] By administrative rule the work must be done within the

---

[32]Mississippi Report. p. 15.

[33]Letter from Caroline K. Simon, Secretary of State, April 18, 1962.

[34]Letter from Robert J. Burkhardt, Secretary of State, April 18, 1962.

[35]Letter from Richard N. Peale, Director, Division of Purchase and Property, April 19, 1962.

[36]New Hampshire. Revised Statutes Annotated, Chap. 8, p. ___.

state if bidders are equipped to do the work at reasonable prices.

In New Mexico, much of the public printing is on contract but in 1961 the State Purchasing Agent established the Inter-Agency Services which consolidated ten duplicating shops.[37] Twenty-three departments of the government were asked to participate and sixteen others were permitted to participate.[38]

North Dakota does none of its own printing but lets everything by contract. The State Printer's main business is the checking of printers' bills, which are required to be at or below Franklin catalog prices. "Printing classes 1 to 5, inclusive, are accepted by the State Printer after proper bids have been received. Under class 6, the agency head determines who is to do the printing . . . . The agency involved files a requisition and the State Printer issues a printing order."[39]

The Ohio Constitution, in Article XV, Section 2, makes provision for the printing of public documents and specifies that it shall be done on contract let to the lowest responsible bidder or may be done by the state directly. The Department of Finance supervises all public printing.

---

[37]Letter from Bill Hendrix, State Purchasing Agent, April 30, 1962.

[38]New Mexico. State Purchasing Office. Report on the Operation Of Inter-Agency Services From Its Beginning Through December 31, 1961.

[39]Letter from P. A. Tinbo, State Printer, April 24, 1962.

Article V, Section 37, of the Constitution of Oklahoma, empowers the legislature of that state to establish a printing plant and to provide for the appointment or election of a state printer. This possibility was never realized either for plant or fully for printer. Apparently Oklahoma had a state printer at one time but "there was a scandal of some type and the result was the abolition of the office in 1913."[40] State printing is now handled on a contract basis by the Central Purchasing Division of the State Board of Public Affairs.[41]

The Pennsylvania Constitution, Article III, Section 12, also provides that the public printing and binding shall be performed under contract to the lowest responsible bidder and that all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer. Legally, all printing and binding of the state is placed under the supervision of the Department of Property and Supplies and is let by contract to the lowest responsible bidder below such maximum price as established by law.[42]

Rhode Island's contract system is operated by the Department of Administration, Division of Purchasing. A very similar practice obtains in South Dakota and South Carolina.

In the State of Texas, the Constitution provides that public

---

[40]Letter from Ralph Hudson, State Librarian, May 2, 1962.

[41]Ibid.

[42]Pennsylvania. The Administrative Code of 1929 . . . P. L. 177, and Amendments . . . Article XXIV, Section 2406.

printing shall be done under contracts that are subject to the approval of the Governor, Secretary of State, and State Comptroller.[43] The State Board of Control supervises this activity.[44]

Utah's Commission of Finance procures by contract the printing and binding required by the state. Contracts must be let after advertisement of bids to the lowest responsible bidder.[45] Virginia operates in the same way under the supervision and control of the Director of the Department of Purchases and Supplies.[46] Vermont contracts for printing but also utilizes the print shop at a state penal institution for jobs that source can handle without interfering with the maintenance and rehabilitation of the inmates. Wyoming's printing is done by contract and must be performed within the state.[47]

Wisconsin lets its printing on contract for eight different classes,[48] but the state has seven small offset shops operating in the capitol city which handle about fifteen percent of the printing requirements.[49]

---

[43]Texas. Constitution. Article 16, Section 21.

[44]Letter from Sam G. Cook, Assistant Chief Purchasing Division, April 19, 1962.

[45]Utah. Code, annotated, 1953. Sec. 63-2-29.

[46]Code of Virginia. 1957. Sec. 2-219.

[47]Wyoming. Statutes. Sec. 9-341.

[48]Wisconsin. Statutes. 1959. Chap. 35.

[49]Letter from Ward M. Cowles, Chief, Printing Division, April 20, 1962.

Turning to those states which operate their own printing plants, one observes again a variety of practices. In the State of California, the first session of the Legislature created the office of the State Printer January 8, 1850, the State Printer being elected by a joint session of the State Legislature for a two-year term.[50] When the first State Printer, H. H. Robinson, resigned three months after his election, a contest in 1851 between the Governor and the Legislature resulted over the question of who was authorized to fill the vacancy. The legislative appointee won in the courts but the office was abolished in 1852.[51] In 1854, the Legislature investigated the situation and re-established the office. Provision was made at this time for popular election by the people and popular election remained the method of appointment until the state established its printing plant in 1875. Then the State Printer's title was changed to Superintendent of State Printing. In 1911 the Political Code was changed to provide for the appointment to this post by the Governor, but in 1921 the office became subject to the newly created Department of Finance. The Director of Finance appointed the State Printer as a civil service employee.[52] That all state printing should be done at the State

---

[50]California Statutes. 1850, Chapters 2, 26.

[51]California. Final Report of the Senate Interim Committee on State Printing. (S. R. 201-1951). 1953. p. 14.

[52]Ibid.

Printing Office was an early provision which still prevails. Furthermore, provision is made that only state work is to be done at the Office.

In 1884 a constitutional amendment was adopted authorizing the printing at the state plant of textbooks for the public schools.[53] The production of these textbooks was to be self-supporting, but they were to be sold at cost. This condition obtained until 1912, when free textbooks were introduced in California.

Over the years, the California State Printing plant has been investigated by various parts of the legislature. An investigation in 1897 revealed "inadequate bookkeeping and a tendency to hire personnel at election time."[54] A committee investigation in 1909 showed higher wages than authorized by law, but conceded that they were justified because of the higher skills required for the specific job. In 1911, a Senate Committee investigated textbook publication, and in the wake of its findings, the State Printer submitted his resignation. Cost of printing was investigated in 1931, 1933, 1935, and 1937, and total printing problems were scrutinized in 1940.[55] At the present time, statutes provide that "All printed matter for all

---

[53]California. Constitution. (1884). Art. IX, Sec. 7.

[54]California. Final Report of the Senate Interim Committee on State Printing. (S. R. 201-1951). 1953. p. 16.

[55]Ibid.

State Agencies and the Regenets of the University of California shall be prepared at the expense of their respective funds or appropriations"[56] and "The cost of all printing and publishing by the State Printing Office shall be fixed by the department in an amount which will pay for all costs relating to such printing and publishing, including depreciation on plant and equipment."[57]

Another state in this category, Nevada, has all its public printing done at a state-owned printing plant located in its own building at Carson City, under the direction of the Superintendent of State Printing. The law required that all departments have all their printing done in the state plant. School textbooks, however, are not included in this requirement, as they are in the states of California and Kansas.

In Oregon the statutes provide for three printing plants: One at the University of Oregon, one at Oregon State University, and the main plant at Salem. The first two produce the bulk of printed material used by the State System of Higher Education. The main plant at Salem provides the printed material for state agencies and legislative sessions.[58] By law the Department of Finance and Administration supervises all the printing activity of the state, both that

---

[56]California. Statutes. 1945. Chap. 6, Art. 2, Sec. 13550.

[57]Ibid. Sec. 13551.

[58]Letter from Leander Quiring, Administration Printing Section, Department of Finance and Administration, April 23, 1962.

done by the state printing plant and that let by contract to private concerns.[59] This department also appoints the State Printer as well as his assistants and therefore the State Printer is responsible to it.[60] Multiple duplicating is considered printing and any work done by state agencies is therefore under the control of the Department of Finance and Administration, which may require the transfer of duplicating equipment from one agency to another.[61]

Printing in the State of Washington was once processed by contract with private establishments, but in 1933 the legislature enacted a law which established a state printing plant. The Public Printer is appointed by the governor and holds his office at the governor's pleasure.[62] The plant is a service institution and derives its income wholly from charges made to the departments and other state government units requesting its services. The charges it can make must not be in excess of prices established by the Porte Publishing Company's Franklin Printing Catalogue.[63] Though the state operated this plant, the Public Printer is allowed to farm out printing,[64] and

---

[59]Oregon. Revised Statutes, 1959, Chapter 282.020.

[60]Ibid. Chapter 282.080.

[61]Ibid. Chapter 282.040.

[62]Revised Code of Washington. 43.78.10.

[63]Ibid. 43.78.080.

[64]Ibid. 43.78.130.

though the printing must be done within the state, certain contracts may be let outside the state if necessary.[65]

It is evident from the above described cases that the specific provisions for public printing vary to quite a degree, but except for the last four states referred to, almost all of them have their printing done through the letting of contracts by bids supervised by some central agency like a department of finance. A few states do not have a central agency in which cases the various agencies handle the letting of contracts themselves. Those states that do have a central control agency for printing may let their contracts by classes of printing, and the most popular contract period is two years. Some states, however, let each job as a separate entity, regardless of class. There is in most states a legal provision that work shall be done within the state.

As a rule, the states that own their own printing plants expect any printing done at public expense to be done at the state plant. Usually, however, there is some provision that allows the state printer, or the board under which he works, to contract jobs to private concerns.

---

[65] Ibid. 43.78.110.

CHAPTER II

PUBLIC PRINTING IN KANSAS TO 1904

As early as January, 1857, the Kansas Territorial legislature enacted into law a bill establishing the office of Superintendent of Public Printing, which office was to be filled by ballot in the legislature. The superintendency was for one year only and public printing constituted only printing of the laws and journals.[1] The Kansas constitution of 1859, known as the Wyandot Constitution, which went into effect January 29, 1861, when Kansas became a state, provided that "All public printing shall be let, on contract, to the lowest bidder, by such executive officers, and in such a manner as prescribed by law."[2] The first legal state document implementing this provision was an act which became law on May 15, 1861 by its publication in the Topeka State Record. Curiously, this happened without the Governor's signature.

This original act[3] provided that the Secretary of State, the Auditor, and the Treasurer were to advertise in the (Topeka) Daily

---

[1]Kansas. Laws (1857), Sec. 1 & 2.

[2]Kansas. Constitution 1859, Article 15, Sec. 4.

[3]Kansas. General Laws (1861), Chap. LXI.

State Record stating that sealed bids would be received by the office of the Secretary of State for the printing of all bills for the legislature and for resolutions and other matters ordered printed by either or both houses. The resulting contracts were to be in force until December 4, 1861. Subsequent bids were to be required for the same period and in the same manner to cover printing "for the executing of the several branches of the State printing."[4] This apparently was for printing not covered by the first contracts. After the initial contract period, the same three officers were to advertise for bids and let contracts on December 4 every year thereafter. Bids were to specify the cost per thousand ems for printing and composition and the price per quire for press work and for the paper to be used. After careful examination of the bids within two days after the expiration of the advertised notice, the contracts were to be let to the lowest responsible bidder. This act provided further that the printing of the bills, resolutions, and other matters ordered by either or both houses of the legislature should be let in one contract; the printing of journals of both houses, along with reports that make up the journals, were to be let in another contract; reports and communications, ordered to be printed in pamphlet form were to be a separate contract, as was the printing of general laws, and the printing of blank forms used by the executive officers of the state.

---

[4]Kansas. General Laws (1861) Chap. LXI.

Not only did the law specify how the printing was to be secured but spelled out in detail the size of the page and what type was to be used, e. g., journals were to be printed in "super-royal octavo form, on neat long primer type and in as close and compact order as is consistent with good workmanship."[5] Charges were to be made by tokens, which were to consist of one hundred and twenty-five sheets printed on both sides, or two hundred and fifty sheets printed on one side only.[6] Contracts for printing did not include binding, as these contracts were to be let separately for laws and journals, and for other documents ordered by the legislature. The Secretary of State, the Auditor, and the Treasurer were given some discretion in awarding the contracts.

This law was soon to be broken for, during the first week of the session which convened on February 12, 1862, the House adopted a resolution instructing the committee on printing "to inquire into the operations of the present laws on the subject of printing, and what amendments or additional enactments . . . are necessary for the public interest . . . "[7] This committee was composed of five legislators, Sol Miller, Chairman, P. B. Plumb, W. R. Wagstaff, F. G. Jewell, and Isaac T. Goodnow, and was given power to "send

---

[5]Kansas. General Laws (1861), Sec. 5-7.

[6]Ibid.

[7]Ibid. Sec. 9.

for persons and papers."[8] The investigators were conscientious and thorough as shown by the committee's report. They had taken voluminous testimony and examined many documents. Even though the testimony was often contradictory, the committee was convinced "that there has been a systematic combination to obtain printing contracts at exorbitant rates; and that this species of swindling has been winked at, if not actually encouraged, by officers whose duty it was to guard the State against imposition."[9] This reference was clearly, though without specificity, to the Secretary of State.

To uncover and affirm the "collusion," the printing of the Banking Law was examined. This law provided for its own publication, for six weeks in one newspaper in each county of the state, where practicable. The investigation showed that existing newspapers printed a new paper for a county other than the county in which the newspaper operated. Thus, for example, the Tribune in Topeka printed the Wabaunsee Patriot as if the Patriot had actually been published at Wabaunsee. The Wabaunsee Patriot contained exactly the same matter as the Tribune with the addition of a local column for the county and a change of heading. The reason for this, the publisher stated, was to obtain the legal advertising for Wabaunsee

---

[8]Kansas. House Journal (1862), p. 213.

[9]Kansas. House. Report of the Committee on Printing (1862) in House Journal 1862.

County, which didn't have its own newspaper.[10] Even though the Secretary of State claimed that he had refused permission to Mr. J. F. Cummings to publish this banking law in the newspaper, payment of $344 for printing the notice in the Patriot was certified by D. H. Weir, who was an employee in the office of the Secretary of State, and later it was also certified by Secretary Robinson.

John Speer, a publisher of Lawrence, Kansas, also testified that he had received a letter from D. H. Weir in which Weir proposed a deal to him, whereby advertising would be awarded to him for a share of the profit. Weir testified that he had asked the Secretary's permission to write the letter and that he had gotten his consent.[11]

Because the Secretary of State, the Auditor, and the Treasurer were given discretionary powers in the awarding of contracts, collusion occurred in the case of the printing contracts as well as in the advertising. When bids were called for the new contracts in December, J. F. Cummings, E. G. Ross, Trask & Lowman, Speer & Moore, D. B. Emert, and a Mr. Odell submitted bids. Before the contracts were let, several bids were withdrawn. Emert claimed he had been paid for withdrawal, as had Odell. It was not revealed that Cummings was also paid, but Secretary Robinson asked Weir to

---

[10]Kansas. House. Report of the Committee on Printing (1862) in House Journal 1862.

[11]Ibid.

return two bids, among them Cummings'. The implication of Weir's testimony was that Robinson was to share in the profits if Ross got the contract.

The testimony and counter testimony given to this committee was so conflicting that it was difficult to get at the truth. However, the committee concluded that there was indeed collusion, and perhaps also blackmail with intention to defraud the state. Therefore, they suggested that an amendment to the printing law was necessary. Specifically, they recommended that "The awarding board have no discretionary powers in the matter, but are compelled to award the contract to the lowest bidder, be the bid ever so exorbitant."[12]

The report of the investigation was presented to the legislature on February 12, 1862 and brought almost immediate action, which culminated in an amendment to the law of May, 1861. The new act specified that the work was to be done in the State of Kansas "unless from unavoidable cause such work cannot be done in the State."[13] It provided that if the quality of the work and the material used fell below the specified standard, deduction was to be made from payment according to the estimation of three disinterested practicing printers. These three printers were to be selected by the Secretary

---

[12]Kansas. House. Report of the Committee on Printing (1862) in House Journal 1862.

[13]Kansas. General Laws (1863). Sec. 1.

of State, the Auditor, and the Treasurer.[14] In order to receive payment for a work completed, the contractor had to present a copy of each book at the time he presented the bill before the auditor could pay him.[15] A rather important provision, based upon the experience of the previous year, was that bids for printing, folding, stitching and binding were to be opened in the presence of the persons who were bidders. No bids were to be opened before 12 o'clock noon, as prescribed by law, to prevent any questionable activity as practiced earlier by the Secretary of State's office.[16] Other parts of this act were of minor importance.

Apparently the years following brought added irregularities, though precise evidence of these is elusive, if it exists. On November 3, 1868, Article XV, Section 4, of the constitution was amended as follows: "All public printing shall be done by a state printer, who shall be elected by the legislature in joint session, and shall hold his office for two years, and until his successor shall be elected and qualified. The joint session of the legislature for the election of a state printer shall be on the third Tuesday of January, A. D., 1869, and every two years thereafter. All public printing shall be done at the capital, and the prices for the same shall be regulated by

---

[14]Ibid. Sec. 2.

[15]Kansas. General Laws (1863). Sec. 3.

[16]Ibid. Sec. 4

law."[17]

After the establishment of the office of Public Printer in 1869, the operation of the office seems to have been on an honest basis. But vigilance to avoid any recurrence of the earlier irregularities was needed. In 1874 the House Committee on State Affairs on the Condition of Public Printing was assigned the duty of scrutinizing the activity of the Office of Public Printer. They reported that they had

> made a careful and thorough examination and measurement of all the work done for the State by George W. Martin, Public Printer, and have found the same to be done in a good and workmanlike manner, fully complying in all respects with the requirements of the law. Your committee would further report that they have found the rules adopted by the Public Printer for counting and measuring work to be very favorable to the State, and if the same are continued will result in a saving to the State of from fifteen to twenty percent in the annual cost of the public printing. The custom heretofore in vogue, since the organization of the State, and especially previous to the establishment of the office of Public Printer, of needlessly and extravagantly extending or "fatting" the printed matter of public documents in order to make the same cover as much paper as possible, has been discontinued by the present Public Printer, and the work is now done as compactly as is consistent with mechanical excellence.[18]

In 1874 Daniel W. Wilder, the Auditor of the State, referred to the matter of public printing in his November 30 report, stating that the state had, since it was organized, spent $460,396.48 for

---

[17]Kansas. Constitution 1868. Article XV as amended. In Laws of Kansas 1875, p. xli.

[18]Kansas. House. Journal (1874). pp. 807-808.

public printing. The report was entirely laudatory of the incumbent State Printer, George W. Martin, stating:

> Under the contract system, the work was shabbily done. Since we have had a State Printer, our printing compares favorably with that of other states. Since the present officer, George W. Martin, was elected, the work has not only escaped censure, but has been heartily commended by all competent judges. Mr. Martin, of his own motion, has introduced reforms in his office which should not only secure his triumphant re-election, but which entitle him to the lasting gratitude of the people. He is a faithful, painstaking, conscientious man, who has done honest work, and who has every day saved money to the State instead of trying to enrich himself. The work has been done upon honor, with no "fatting", no unjust bills, no frauds.[19]

Though the auditor praised the state printer, he was very critical of the laws that governed public printing, saying that "the laws governing the public printing require amendment. They were enacted when paper and labor were higher than they now are; were enacted to make fat jobs, and not in the interest of the people and of economy. They were dictated for selfish purposes; public spirit and a regard for the general welfare are not in them."[20] The auditor thus corroborated the finding of the committee that the laws needed to be changed to fit the time, and he cited a specific example to show how cost could be decreased: Volume eight of the Supreme Court Report cost less than $2.10 per copy, delivered to the state library. It had been printed and stereotyped in Chicago and bound in New York. The state had retained ownership of the plates and could

---

[19]Kansas. Auditor's Office. Report 1874. pp. 27-28.

[20]Ibid.

easily get added copies. The later volumes, printed in Kansas, cost $4.25 to $4.40 per copy. Patently, the cost of home patronage, he observed, was too high.[21] Volume eight had been printed under contract before the constitution was amended and was thus a good example to cite as proof.

The above mentioned committee on public printing further reported that the very large bills which the state had to pay every year for public printing were not due to any wrong or fraud on the part of the state printer, but were due to the complete lack of a system for ordering printing work to be done by public officers who had no knowledge of printing. It was the conviction of the investigators that much printing was ordered which was unnecessary and could be left undone without any detriment to the public interest. Since the Public Printer had no discretionary powers, they recommended that an officer with printing knowledge be appointed to revise and condense reports and other documents before the work was sent to be printed. This committee was sure that the resulting saving would save the state at least five times the cost of the salary of such an officer.[22]

When the next legislature convened on January 13, 1875, Governor Thomas A. Osborn, in his message to the legislature, incorporated the idea for economizing, saying that the cost to the state

---

[21]Kansas. Auditor's Office. Report 1874. pp. 27-28.

[22]Kansas. House. Journal (1874). pp. 807-808.

for public printing was much too high and should be done for no more than $30,000 per year. It was his hope that the legislature would revise the established prices and the laws regulating the printing and binding and the measurement of the work. It was the governor's belief that there was much unnecessary, even useless, printing done.[23] The appropriation for printing and binding for the fiscal year ending November, 1872 was $50,100.[24]

The legislature, on March 3, 1875, about two months after the governor's message, repealed the law of 1869 and replaced it with a new law. It provided that the public printer be elected by the legislature on the third Tuesday of January for a two-year term beginning the following July 1. The newly elected printer was to be notified officially by the president of the senate and speaker of the house.[25] Before entering upon his duties he was to take the oath of office, and provide bond, signed by at least five good securities, in the amount of thirty thousand dollars. The securities were to be approved by the Governor and by the State Treasurer, and be filed in the office of the Secretary of State.[26] Should the Public Printer die in office, or the office become otherwise vacant, the governor was to appoint a

---

[23]Kansas. House Journal. 1875. p. 7

[24]Kansas. Laws of Kansas (1872). Chap. XLIV, Sec. 2.

[25]Ibid. (1875). Chap. CXLII, Sec. 1.

[26]Ibid. Sec. 2.

successor, equally qualified and bonded, to fill the term.[27]

The state printer was directed to designate, between July 1 and 10, a newspaper printed and published in Topeka as the official state paper for one year. This paper was to carry a copy of all new laws not designated to be published otherwise, official syllabi of decisions of the supreme count, proclamations, orders, notices, and advertisements. However, provision was made for publishing in other newspapers of the state, if the officer ordering the printing asked for it in writing at the time of the original order.[28]

The Secretary of State was again designated as superintendent of public printing and all printing was to be delivered to him when completed, except when specifically required by law to be delivered elsewhere. The law specified a rather exact procedure of bookkeeping, with an exact record of every bill presented, the amount allowed by the Secretary of State, and the amount not allowed should the secretary deem a part of the entire bill unpayable. Bills were to be presented separately for each job, and thus recorded and reported to the auditor, who could pay several bills at a time, providing the source of money was the same fund.[29]

The legislature was concerned with prompt delivery of printing

---

[27] Ibid. Sec. 3

[28] Ibid. Sec. 5

[29] Ibid. Sec. 6

ordered, so that the public business would not be delayed. To make sure that a printer would not set public printing aside to do private printing or binding, such violation should be considered a misdemeanor, conviction resulting in a fine of fifty to five hundred dollars, and loss of the appointment.[30]

The work to be done was to cover all printing and binding for the legislature, the offices of the Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, Superintendent of Insurance, Attorney General, Adjutant General, the Supreme Court, and all other public printing for the state.[31] The last included institutions of higher learning, hospitals, and state operated schools, but nothing for the counties.

To facilitate the recording and payment of bills for printing, the work was divided into eight classes, with specifications on how the work was to be done and the price allowed. Prices varied between the classes, as did the specification of size of type, the amount of leading, and the weight of paper to be used. The first class consisted of bills, resolutions and other matter ordered to be printed in bill form by the legislature. The second class consisted of the journals. In specifying payment, a token now consisted of two hundred and forty impressions of sixteen pages each. In this class, as

---

[30] Ibid. Sec. 7.

[31] Ibid. Sec. 4.

in the other classes, the cost per token was to be reduced whenever the volume exceeded three thousand copies. The third class consisted of reports, communications, and other items ordered to be printed in book form. The fourth class covered the session laws; the fifth class the supreme court reports; the sixth class all blanks and circulars for the various state officers; the seventh class all printing required to be done in newspapers. The eighth class was not printing but consisted of folding, stitching, sewing, trimming, covering, binding and finishing of all books and pamphlets.[32]

The legislature attempted to write a law that would not only prevent collusion and fraud but which would also reduce the cost of printing to the state. As was noted before, $50,100 was appropriated for the fiscal year ending November 30, 1872, but for the fiscal year 1876 the legislature appropriated only $38,932.30.[33] The following year the fiscal year's end had been changed from November 30 to June 30, and it was necessary for the legislature to appropriate $3,348.55 for deficiencies of the previous fiscal year's appropriation.[34] Though the resulting expenditure was still a reduction from that of the year 1872, the need for appropriations to cover deficiency in original allocation recurred quite regularly. The 1878 legislature,

---

[32] Ibid. Sec. 8.

[33] Ibid. (1876). Chap. 12, Sec. 1 and Chap. 24, Section 1.

[34] Kansas. Laws (1877). Chap. 17, Sec. 1.

since the budget had now changed to a biennial system, appropriated $20,127 for the previous year's deficiency and $18,200 and $29,600 for the fiscal years ending June 30, 1878 and 1879 respectively.[35] The total deficiency for 1877 therefore was $21,648.55 and the total appropriation for 1876/77 was $60,571.85. It is evident that the reduction of appropriation for printing had little control over the amount actually spent. Whether the legislature tried to keep the amount of printing down by appropriating inadequate sums or whether they did not reckon with the constant growth of government need for printing is difficult to surmise.

This writer has not found any evidence of an attempt to budget the amount for printing and binding on any precise basis. The prices per unts of work were set by law, and a more or less open contract existed with regard to quantity. However, on February 27, 1879, the house resolved "That the State Printer be requested to inform this House what it will cost to print 3,500 copies of the laws in force in the State at the close of this session, with annotations on the plan of Dassler's Statutes, with the privilege of copyrighting the same, and selling them at $5.00 per copy."[36] Obviously the State Printer,

---

[35]Ibid. Chap. 18, Sec. 1. The appropriation totals in the journals does not always agree with the amounts designated thus by the Auditor's reports. This may be due to some exclusion in one that are included in the other, e.g., newspaper advertising. For all appropriations see appendix 7 .

[36]Kansas. House. Journal (1879). p. 797.

Mr. George W. Martin, could give only an estimate, since the actual number of pages of the book was not fixed. His report, however, shows that he went to some pains to determine correctly the estimated cost. The Senate Judiciary Committee, which he consulted, suggested the Iowa Code of 1873 as a sample book. This book varied only a very little from the Kansas Statutes of 1868 book. The figures had been verified by the chief clerk in the office of the Secretary of State and included all labor and materials of the best quality as described in the Supreme Court Reports. The following table shows his estimates:[37]

3,000 books, 1,200 pages, $10,140.22, or $3.38 per copy
3,000 books, 1,400 pages, $11,119.35, or $3.70 per copy
3,000 books, 1,500 pages, $11,618.54, or $3.87 per copy
3,500 books, 1,200 pages, $11,188.46, or $3.20 per copy
3,500 books, 1,400 pages, $12,265.61, or $3.50 per copy
5,000 books, 1,200 pages, $14,400.73, or $2.85 per copy
5,000 books, 1,400 pages, $15,767.66, or $3.15 per copy
5,000 books, 1,500 pages, $16,452.49, or $3.29 per copy

Curiously enough, though the house asked for specifically 3,500 copies, Mr. Martin added a note to this table saying "Ten thousand copies of fourteen hundred pages will cost about $2.65 per volume or including compilation about $2.75 per volume."[38] There is a foreshadowing here of what came to be a practice later, to overprint the required quantity, an excess for which the state, of course, was always billed. This practice later made the office of State Printer

---

[37] Ibid.

[38] Ibid.

one of the more desirable political plums and also filled much of the storage space in the capitol building with unsold books.

An economy measure of 1879 had budget implications and pertained specifically to paper and binding materials. It specified that "On or before the fifteenth of March in each year the state printer and the secretary of state shall make and submit to the executive council estimates of paper and binding material to be used in the public printing for the year commencing on the first day of July thereafter. Such estimates shall be laid before the council at their regular meeting in March. The council may make such alterations therein as they may deem necessary, and shall direct the secretary of state to advertise for bids to furnish such paper and binding materials, . . . Provided, That in the awarding the contract for paper and binding materials, and in examining and determining whether the articles furnished in any such case, in quality, quantity and price, are in accordance with the terms of the accepted bid, the council shall call to their assistance the state printer, who shall act with them in determining such questions."[39]

Whatever economy may have been intended, the cost of public printing continued to rise so that Governor John Alexander Martin made this concern a major part of his message when he addressed

---

[39]Kansas. Laws. (1879). Chap. 160, Sec. 96.

the legislature on January 12, 1887.[40] Though he praised the work done by the state printer for its quality, and stated that he thought that the cost, considering the workmanship, was moderate, he believed there was too much useless printing which could be reduced without detriment to the public service. Too many details were printed that gave no substantial information to the public. Many of the government departments and bureaus had printed in their annual reports statistics that appeared in the reports of other departments, an example being that of the Treasurer and the Auditor. The Treasurer was praised for reducing his report from 260 pages to 103 pages by eliminating material that would appear elsewhere, and thus saving $1,650. The governor noted that the bills submitted in one house were introduced in the other house in duplicate and were thus ordered printed in both the journal of the house and the journal of the senate. The same was true for the governor's messages. The governor objected to practices of adding so many costly tables to reports, and cited the report of the Trustees of State Charitable Institutions, in which seventy-six of the two hundred and nineteen pages consisted of tables of supplies on hand, purchased and issued, inventories of property, and other like items that were of no service to the public. There was no attempt to blame the officers of these operations, but the governor believed that the laws required full

---

[40]Kansas. House. Journal (1887). pp. 50-51.

detail, and custom had added thoughtless duplication to state printing practice. He urged the legislature to investigate thoroughly the practices, procedures and requirements, and act to end the absurdly excessive printing costs. The governor's alarm was well founded, for the printing bill for the 1887-1888 biennium was $192,979.81, an increase of over three hundred percent over the 1876-77 biennium.[41]

The admonishment to adopt a rule to eliminate the printing of bills in duplicate and to give a joint committee on printing the authority to determine where messages and reports should be published was not acted upon, and Governor Lyman Humphrey again addressed the legislature on this subject in his message of January 16, 1889. Again, a joint committee, and a supervisor who was to scrutinize all the printing requests, were suggested.[42]

It was not, however, until 1891 that the legislature acted upon the Governor's request when, in making appropriations for the fiscal years ending June 30, 1891 and 1892, it placed the Secretary of State in a position to supervise the printing activity. The act[43] provided that all printing must be submitted to the Secretary of State and only the Secretary could issue requisitions upon the State Printer for

---

[41] Ibid. (1889). p. 145.

[42] Ibid.

[43] Kansas. Laws. (1891). Chap. 38, Sec. 2.

printing required by any officer or institution of the state. Approval for printing must come from the Secretary of State, the Attorney General, and State Treasurer, sitting as a "printing board," with a majority vote determining what was to be printed or rejected.

Public printing, and especially the office of the State Printer, were often discussed in the press. It was apparent to the editors of various papers in the state that there had been intrigue and corruption connected with the appointment of the State Printer. The December 28, 1876 Fort Scott Weekly Monitor advocated a remedy for these evils by following the New York and New Hampshire methods of having the paper at the capital which supported the party in power be the printer for the state as a reward by the party. This was not done, and intrigue continued. The Kansas City Journal, in 1881, stated that the appointment to the office of State Printer was a political plum for knowing influential people and sarcastically remarked, "Before Dwight Thacher was appointed in 1881, he was asked in caucus how much he thought he could save the state in contrast to Martin's cussed extravagance, replied that he had early become identified with the anti-slavery movement and had seen Kansas grow from a hamlet to an empire. This was more than satisfactory . . ."[44] It continues to say that Mr. Baker, owner of The Commonwealth, had made a deal with Mr. Thacher that the latter would "help" him if he

---

[44]Kansas City Journal. June 21, 1881.

withdrew from candidacy, and that Thacher reneged. Whether this is true cannot be definitely established, but by 1885 the Commonwealth said, "We did not say a word . . . about the impropriety of electing T. D. Thacher a third time to the best office in the state . . . . Now that he has secured another two years' lease of the office of State Printer, it is not amiss to say a word as to the effect upon the republican party in Kansas of giving a few men year after year and term after term, the best paying positions . . . giving fat places to one set of men, that we object to, . . ."[45]

Mr. Thacher was State Printer from 1881 through 1886, and built the "Thacher Building," which contained the printing equipment used by him and his successors, Clifford C. Baker, who was state printer from 1887 to 1891 and Edwin H. Snow, who was in the office from 1891 to 1895. When J. K. Hudson succeeded Edwin Snow as State Printer, all the equipment was removed and new equipment was installed, which action got the praise of the Topeka Capital when it said, "The new plant will represent a modern up to date office, combining every desirable tested invention used for fine printing."[46]

In spite of the advances in printing techniques, the cost of public printing continued to be mentioned both in the press and in the messages of the governors. Though the press frequently referred

---

[45]The Commonwealth. January 28, 1885.

[46]Topeka Daily Capital. July 7, 1895.

to the office of State Printer as a well-paying position, the laws governing public printing were often given as the cause for such high cost. From early times there was intrigue to capture this apparently lucrative office. As early as December 28, 1876, the Fort Scott Weekly carried an editorial which said, "We have no desire to embroil ourselves in the biennial squabble over the state printership shortly to agitate our honorable but sorely perplexed legislature." The reaction of the Commonwealth in 1885 has already been cited. Even after elections were over, the dissatisfaction and unhappiness did not necessarily subside. At least one election was questioned, as seen in the newly-elected Governor Morrill's message in January 9, 1895, when he said,

> The statute seems to require that a majority of all the members of each house must concur in the election of a state printer. The question is one of statutory and constitutional interpretation, and the question having been raised by discussions in the press, the incumbent of the office declined to incur the risks of a possible decision against his title, the business interests involved being too great to make it prudent to take any such risk. He, therefore, tendered his resignation, which was accepted. As either the resignation or the previous state of things created a vacancy, the executive appointed the present incumbent to fill the vacancy, and he qualified and is now acting under that appointment.[47]

Since Edwin H. Snow was the State Printer from July 1891 to July 1895, it was he that resigned and was immediately reappointed by the governor to complete his own term of office. This nicely took care of any legal questions.

---

[47]Kansas. Senate. Journal 1895.

And still the cost of public printing continued to be a topic for discussion, in the legislature, the press, or in private. In the 1890's, however, the dissatisfaction and criticism increased because every year large appropriations were made and in every biennium deficiency appropriations were required. Governor William E. Stanley, in his message to the legislature, alluded to the extravagance, suggesting that the number of copies be reduced and the number of reports be cut drastically. The state institutions, he believed, could save the state a great deal of money if they were allowed to print their own material. He suggested also that there be submitted to the state an amendment to the constitution which would provide that all printing be placed under the direction of the executive council, which would let all work by contract. Obviously, he thought that the present operations were worse than those of the pre-1869 era.[48]

Governor Willis J. Bailey, in his message of January 13, 1903, continued this theme, saying, "I call your attention to the lavish waste of the public money in the printing of useless and unnecessary public documents. The law, in many instances, provides for the publishing of reports and documents far beyond any demand or necessity, and as a result, the store-rooms of the capitol building are rapidly filling up with this matter that is worse than useless. I am sure a careful inspection of this accumulated material will convince

---

[48]Ibid. 1901.

any legislator of the necessity of reform along this line."[49]

Over-printing seems to have been the habit of more than a few of the state printers, and, of course, this was of financial benefit to the incumbent. The Kansas City Journal, in 1903, sarcastically claimed that, "On one occasion there wasn't enough worthless stuff coming in to enable the state printer to get all he wanted from the treasury so a lot of old public documents were republished at a cost of $10,000 or more . . . not a hundred of those documents have been circulated. The waste has been not only in printing stuff that is worthless, but also in printing more good stuff than is required. For instance, the law requires that the state shall print 1,000 copies of the house and senate journals. The printer has always printed 1,000 of each. 500 copies of each or 1,000 copies of both would be in accordance with the law. Every technicality has been seized upon to swell the public printing bills."[50] A little later the Kansas City Journal was to come out in favor of a state-owned printing plant.

In 1897 Representative John Francis, in order to show the high cost of public printing in Kansas, studied a number of states and found, for the term studied, that Kansas spent $189,898.01, Massachusetts $151,569.01, Indiana $148,905.65, Missouri $148,015.04, Michigan $130,021.88, Texas $102,300.00, Tennessee $87,748.00,

---

[49]Ibid. 1903.

[50]Kansas City Journal. October 13, 1903.

Illinois $86,564.87, Nebraska $80,000.00, Minnesota $77,684.04. Comparing figures only makes it obvious that the Kansas costs were out of line.[51] The Topeka Capital placed the net income to the state printer from $20,000 to $40,000 per year and remarked that W. Y. Morgan was once asked what the position paid, and that Mr. Morgan answered, "I can't tell you what it pays, but I will say this: If it is ever offered to you don't turn it down."[52]

As the reports of high cost of public printing continued and the unrest concerning it increased, numerous remedies were proposed which received various degrees of support. Some suggested a constitutional amendment placing the printing under the executive council, some said go back to the contract system, and others suggested that all printing be done by convicts at the state prisons. The final disposition of the matter was an amendment to the constitution making the state printer elective by the people at the general election, with a stated salary for the state printer as specified by law.

---

[51] Topeka Capital. January 22, 1897.

[52] Ibid. January 1905. W. Y. Morgan was State Printer 1899-1903.

CHAPTER III

FROM LEGISLATIVE TO POPULAR ELECTION OF STATE PRINTER -- A TRANSITION.

After many years of debate, vilification, and controversy about the cost of public printing, and the outright description of the state printer's job as a rich political plum, concurrent resolutions passed the Senate on February 12, 1903, and the House February 19, 1903 to submit to the electorate a proposal to amend Section Four of Article Fifteen of the State Constitution. This amendment was to read, "All public printing shall be done by the state printer, who shall be elected by the people at the election held for state officers in November 1906, and every two years thereafter, at the elections held for state officers, and shall hold his office for two years and until his successor shall be elected and qualified."[1] Section two of the resolution provided that the proposal should be submitted to the people at the general election in 1904. The result of the election was a vote of 169, 620 for the amendment and 52, 363 against, a rather decisive indication that the people thought it was time for a change.

The important ramification of this amendment was that the

---

[1]Kansas. Session Laws (1905). Chap. 545. Sec. 1. (Italics mine.)

printer now became a political figure responsible to the people who elected him like any other elected officer of government instead of one elected by joint session of the legislature. This change eliminated the jockeying for the favor of the majority of legislators and also eliminated the possibility of graft and corruption of the type experienced throughout the period of Kansas statehood. It did, however, introduce an operation that was to have a new set of problems and criticisms.

Since the constitutional amendment provided that the first popular election of a state printer was to take place in 1906, it was necessary to elect a printer under the old provision that would take office July 1, 1905 and continue for two years. On January 10, 1905, Governor Edward W. Hoch in his message to the legislature referred to an uncertainty as to the time when the constitutional amendment was to become operative, but expressed his opinion that the tenure of the present state printer, Mr. George A. Clark, would expire "at the expiration of the term for which he was elected."[2] The Topeka Herald on January 12, 1905 commented that it was practically certain that a state printer would be elected by the legislature because several attorneys, who were also members of the legislature, were of the opinion that the direct vote amendment did not become effective until 1906. The incumbent State Printer, George A. Clark,

---

[2]Kansas. House Journal. 1905.

however, believed that his tenure was to continue until the directly elected printer took office and based his belief on the opinion secured "from a constitutional authority."[3] He was, therefore, unwilling to turn over the office to anyone the Legislature would elect. Nevertheless, the Kansas City Star reported on January 12, 1905 that the Senate passed a bill (Senate Bill #66) that morning after two hours of debate stating that a State Printer was to be elected the following Tuesday, January 17. The House acted upon a similar bill, but because of a question of constitutionality referred it to the Judiciary Committee. However, when the Senate bill reached the House, that body by suspension of the rules, immediately passed the Senate bill also. Thus a bill based on the old constitutional provision passed the Senate by vote of 34 yeas and 4 nays, and the House by 104 to 2.[4]

On January 17, 1905, the Legislature in joint session, by a large majority elected Thomas A. McNeal, editor of the (Topeka) Mail and Breeze. McNeal, a Republican, was known to favor a state-owned printing plant and the placement of the state printer on a specified annual salary.[5] The Kansas City Journal stated that "George Clark holds on as state printer until July 1. There is a

---

[3]Topeka Herald. January 12, 1905.

[4]Kansas City Star. January 12, 1905.

[5]Kansas City Journal. January 17, 1905.

movement among leaders to have the state purchase his plant and thus avoid litigation."[6]

It is not clear just how and when the actual transition was made. "A Roster of Kansas For Fifty Years" gives the term of George A. Clark as from 1903 to 1905.[7] This record was printed while Clark was still State Printer. A similar roster printed in 1915 lists Clark's tenure of office from 1903 to 1907 and Thomas Allen McNeal's tenure as from 1907 to 1911.[8] A 1925 roster continues to list McNeal's tenure as from 1907 to 1911[9], and Clark appears as State Printer on the imprints of 1906 legislative journals.

On July 19, 1905, the Topeka Capital refers to Mr. McNeal as the State Printer. This post would be for the term for which he was elected by joint session of the legislature. The July 18 Topeka Capital uses similar reference to McNeal.

Since Clark might possibly have remained as State Printer, the newspapers continued to write about graft and collusion. The

---

[6]Kansas City Journal. January 17, 1905.

[7]Kansas State Historical Society, Transactions of the Kansas State Historical Society, 1903-04, Together with the Addresses at Annual Meetings, Miscellaneous Papers, and a Roster for Fifty Years. 1904. Vol. VIII. p. 511.

[8]Kansas State Historical Society, Nineteenth Biennial Report of the Kansas State Historical Society, 1913-14. 1915.

[9]Collections of the Kansas State Historical Society, 1923, Together with Addresses, Memorials and Miscellaneous Papers. 1925. Vol. XVI. p. 663.

January 28, 1905 Topeka Capital quotes Cyrus Leland as saying that at the time of the election of Clark, the two candidates, Clark and Henry J. Allen, agreed to share the profits if Allen withdrew from the race. The January 30 Topeka Herald had a slightly different version, but added significantly that neither Clark nor Allen would discuss the matter.

As late as July 16, 1905, the Kansas City Journal felt compelled to say, "The printers as a rule insisted that the profits were not very large and that they received about as much as other state officers. Commercial printers, however, claimed that the profits were enormous and that a printer could get rich in a couple of years. People accepted this because retiring state printers have usually become bankers or trust magnates, or something equally aristocratic."

Late in January 1905, the Ways and Means Committee introduced a bill providing $61,000 to establish a state-owned printing plant -- $6,000 for the purchase of a site, $30,000 for the erection of a building, and $25,000 for the purchase of equipment.[10] This bill was introduced before the question of whether to build a printing plant or revert to contract printing was settled. The bill did have administrative approval and there is no evidence that there was substantial opposition from either party in the legislature. A bill to provide money for the purpose of building a plant became law and

---

[10] Topeka Journal. January (?) 1905.

Governor Hoch appointed E. P. Harris a member of the commission to build and equip the new state-owned establishment. Harris had been in the printing business a long time and was thus qualified to give expert advice. The other two members of this commission were Charles S. Gleed of Topeka and Senator George E. Tucker of Eureka.[11]

In order to avert litigation concerning the incumbency of the office of State Printer, the first work of the building commission was to inventory Clark's printing plant with the possibility of purchasing it for the state. After the inventory the commission offered Clark $15,000. Clark at first asked for $25,000, but said he would take $22,500.[12] The commission finally paid Clark $18,000 for his plant.[13] It appears that, in spite of the official rosters, Clark was no longer heard of after the sale of his plant and McNeal was directing the plant operations, because reports about printing policies and savings on printing during this period were made by McNeal. The Secretary of State also reported for 1905-06 that State Printer T. A. McNeal's salary was $2,500.[14] Until the new plant was completed all work was done in the plant purchased from Clark.

---

[11] Topeka Journal. January (?) 1905.

[12] Ibid. May 29, 1905.

[13] Ibid. June 2, 1905.

[14] Kansas. State Department. Fifteenth Biennial Report of the Secretary of the State of Kansas. 1905-06. p. 9.

CHAPTER IV

SCHOOL TEXT-BOOK PUBLICATION BY THE STATE

PRELIMINARY CONDITIONS LEADING TO PUBLICATION BY THE STATE

Teacher and Parent Dissatisfaction. Good teachers in Kansas were always trying to improve the textbooks they were obliged to use in the classroom. The State Teachers' Association at a meeting in 1900 adopted a resolution favoring a change in the law to enable the people of Kansas to obtain the best available textbooks for Kansas schools. This resolution at least got a hearing, for on January 8, 1901, the Governor's Message to the Legislature referred to it and stated: "I call your attention to this matter, that you may take such action as may be considered necessary."[1] Though this allusion did not demonstrate much enthusiasm concerning the matter and proposed no solution, it did show an awareness of the concerns of those people who were best qualified to make judgments about textbooks, the teachers.

Earlier, Governor Lorenzo D. Lewelling, in his first message to the Legislature, referred to the interest of parents and guardians

---

[1]Kansas. Senate Journal. January 8, 1901.

of children in the public schools concerning the "exorbitant" cost of textbooks, recommending that the Legislature devise some method to supply textbooks free to Kansas children. He suggested further that the county superintendents and officers of school districts be empowered to purchase the necessary books "at a price not much in advance of the actual cost of the books."[2] In January, 1897, Governor Edmund Needham Morrill's message to the Legislature made similar references.

LEGAL BASIS OF SCHOOL TEXT-BOOK SELECTION AND PRINTING

The School Textbook Law of 1897. In 1897, the Legislature enacted into law a bill relating to the use of textbooks in the public schools of Kansas. This law provided for the creation of a School Textbook Commission consisting of eight members to be appointed by the Governor "by and with the consent of the senate," not more than three of whom should be selected from one political party. The State Superintendent of Public Instruction was made ex officio chairman, with the right to vote.[3]

This commission was authorized to select and adopt a uniform series of school textbooks in spelling, reading, arithmetic, geography, English grammar, physiology & hygiene, history of the United

---

[2]Ibid. January 17, 1893. Governor's Message.

[3]Kansas. Session Laws, 1897. Chap. 179, Sec. 1, p. 377.

States civil government, algebra, physical geography, natural philosophy, bookkeeping, and a graded series of writing books.[4] The requisite quality of the books was defined by a proviso stating, "That no textbook shall be adopted by this commission that does not equal in quality of matter, material, binding and mechanical execution the textbooks in general use," then listing McGuffey's speller and reader, White's arithmetic series, Rand McNally geographies, Reed and Kellogg grammars, Barnes school histories, Steel's physiology, Thummel's government of the United States, with a Kansas section added, Ray's algebra, and Bryant and Stratton's graded bookkeeping series. A further provision prohibited the adoption of any textbooks that contained anything of a sectarian or partisan nature.[5]

The adoption of a uniform series of textbooks, later to be known in Kansas as single adoption, was a common practice in most states of the Union. Such a plan later fitted very well into a system where the state printed its own textbooks at the state printing plant. Indeed, the single adoption plan in Kansas was to be continued long after it had served its usefulness simply because the state did its own printing.

Since the chairman of the School Textbook Commission was also the Superintendent of Public Instruction with his office in the capitol, all bids by any person, company or corporation were to be submitted

---

[4] Ibid. Sec. 4, page 377-378.

[5] Ibid.

sealed to him in the normal process of his office. The chairman was not to open these bids except in the presence of the commission. The procedure for the opening of bids was specifically stated. First, those from publishers of school textbooks who were willing and able to furnish the textbooks for a term of five years. The bids must state specifically the price for each book, with a specimen copy to be furnished with the bid. Second, bids from any authors who had manuscripts of books not yet published and who were willing to sell the manuscripts (ready for the printer's copy) and the copyrights of the books. Third, bids from persons who were willing to compile books or series of books of a quality provided by law.[6] Never was the commission to contract for a book which was to be sold to the people of Kansas above a price specified by law.

In the event that no bid should be received for a certain book, then the commission was authorized to secure such manuscripts and copyrights as needed and in turn receive sealed bids for the publication of that book. After the selection was made, the legal procedures for contracts were to be similar to those for a book already manufactured.[7] The State of Kansas was never to be liable to any contractors, but those contractors were instead to receive their money

---

[6] Ibid. Sec. 6, p. 279-381.

[7] Ibid. Sec. 8, p. 382.

exclusively from the proceeds of the sale of the book.[8]

Once the commission had contracted with a firm or person to furnish a textbook for their use in the public schools, the commission, through the State Superintendent of Public Instruction, was to notify the Governor of this fact at which time it became the Governor's duty to issue a proclamation to inform the people of the state. After the Governor had published the contractual specifics, the State Superintendent of Public Instruction then notified the County Superintendent as to which books had been contracted for and what the prices would be.[9]

The single adoption plan was re-emphasized in Section 15 as follows: "Every contract with any person, company, or corporation, publisher or publishers of school text-books for use in the schools of this state shall be for five years from the date thereof, and no school-district board or board of education of any city of the first or second class shall adopt, use, or permit to be used any other school text-books than those provided for in this act."[10] The act did permit, however, the use of supplementary textbooks as reference books. Violation of this provision was to be considered a misdemeanor with a penalty, if convicted, of no less than twenty-five dollars or no more than

---

[8]Ibid. Sec. 9, p. 382.

[9]Ibid. Sec. 10, p. 382-383.

[10]Ibid. Sec. 15, p. 385.

one hundred dollars, or ninety days in prison or both fine and imprisonment.[11] Should the violator be a member of the School Textbook Commission, the punishment was a fine of one hundred to five hundred dollars, plus one year's imprisonment in the county jail.[12] This law remained in effect until 1913.

The McNeal Report. In the meantime, the schoolbook question was never quite laid to rest. On December 15, 1908, the State Printer, T. A. McNeal, sent a report to the Honorable W. R. Stubbs, Governor Elect, concerning investigation of the cost of publication of school books by the state.[13] The writer has not been able to determine whether this report was made at the request of the Governor Elect, or whether it was voluntarily done by McNeal. Since Stubbs had not yet taken office, it is likely that it was done without such request by McNeal who was convinced that the state could benefit by such an undertaking.

McNeal candidly admitted that no absolute figure of cost could be determined in advance. The cost of authorship, for example, would most likely vary. There was no way of determining exactly what price would have to be paid for royalties or for the purchase of

---

[11] Ibid. Sec. 21, p. 386.

[12] Ibid. Sec. 22, p. 387.

[13] Report of State Printer, Concerning Investigation of the Cost of Publication of School Books by the State, by T. A. McNeal, State Printer, December 15, 1908.

copyrights. However, he had consulted with "old established" publishing houses and found that royalties varied from ten to twenty percent. Therefore, in estimating this cost, a fifteen percent average variation was allowed for. However, McNeal cautioned, outright purchase of the copyright might be more economical over the long run.

In making further estimates of what the cost of publishing the school books by the state, McNeal also calculated what would be needed in additional equipment and expansion of the building, the interest on this investment, depreciation in value of building and equipment, and the additional cost for labor and heating. The estimate for additional cost of building and equipment to produce the twenty-three titles most commonly used in the graded school was one hundred and fifty thousand dollars. The State Printer recommended, however, that the state should lay "broad and deep" foundations for future expansion of school book printing: "In other words, it should have in contemplation an equipment sufficient to turn out everything that is needed by the school in the way of books and equipment; and for this reason I think it would be wise to prepare for the expenditure in two buildings and new equipment at the state printing plant of not less than three hundred thousand dollars."[14]

In determining the annual expenditures for a move toward state

---

[14]Ibid. p. 4.

printing of school textbooks, McNeal figured as follows:[15]

Interest on investment
$150,000 at 4% is $6,000; or $300,000 at 3% is $9,000
Depreciation in value of plant & buildings at 8%
$12,000 and $24,000 respectively
Cost of additional labor & coal for heating $10,000
Cost of distribution of books 15%
Cost of royalties 15%
Total cost in addition to the cost of labor and material is 47%

The report then broke down the costs for each of the twenty-three books, as in the following example for Rathbun's Speller:

> Cost of labor and material per book, 6.12 cents; add 47 per cent (2.87) making the cost of delivery 8.99 cents. In all cases where delivery cost comes out in a fraction I have counted the cost to the next whole number; in other words, in all cases I have counted the fractions against the state. This makes delivery cost of this book 9 cents. The present cost is 11 cents. These were used during the years 1907-08, according to the report furnished by Mr. Alford, of the Kansas Book Company, 209,568 of these books at a cost to the purchasers of $23,052. I estimate that the same number of books of the same quality of paper and binding could be furnished by the state for $18,861.12.[16]

The aforementioned Kansas Book Company was the central distributing agency for commercial school books for the whole State of Kansas. The retail cost to the people of Kansas for the twenty-three titles distributed through the Kansas Book Company amounted to $477,342 for the 1907-08 year. McNeal estimated that the State could do it for $253,152.35, or $244,189.65 less.[17] This was indeed

---

[15] Ibid. p. 4-5.

[16] Ibid. p. 5.

[17] Ibid.

an impressive figure in 1908.

The bases for McNeal's estimates were clearly defined in the rather detailed report of his study. The prices were determined on the quantity of 50,000 and while for smaller amounts the price would necessarily be a bit higher, printing in lots of even 20,000 or less would not increase the price more than one cent per book.[18] Furthermore, the calculations assumed that the manufacture of the book would be by hand labor. Should machinery be installed to do much of the work, the cost of these books could be reduced by at least twenty-five per cent.[19]

After having presented the estimates mentioned above, McNeal, as State Printer, indulged in personal evaluation of the content of the school books. Though there was a pretense of modesty in his judgment, he believed the books were fairly good ones, and that the variation in quality was not as great as some people suggested. He stated that the readers which he had read in school when a boy were fully equal in literary excellence to any readers of the current period. Furthermore, the old grammars, arithmetics, and algebras produced as good grammarians, arithmeticians, and algebrians as did any of the current books. His evaluative statement was later to be contested by the teachers.

---

[18] Ibid. p. 10.

[19] Ibid. p. 11.

Publishers had long contended that Kansas would have better books if the law did not set so low a price for the school books. McNeal's disagreement was expressed with deep feeling in the following words:

> It is probable that there was never seen a finer aggregation of oleaginous prevaricators than the gentlemen sent out to represent the various school book publishing houses of the country. In comparison with them I am satisfied that Ananias and Sapphira would be entitled to rank as paragons of truth. But whether these representatives of the publishing houses are monumental liars or not, of one thing I am certain, and that is if they cannot furnish better books at present prices than they do furnish, the State of Kansas can.[20]

Obviously, this indictment and challenge was hardly calculated to win the publishing houses to his favor. The publishing houses were from the start vociferous opponents of the idea that the state print its own books. The real opposition from teachers was to come after the system had been in use for some time.

The Law of 1913. On February 25, 1913, the Legislature passed Senate Bill No. 51 providing for state publication of school books, and created a State School Book Commission which superseded the School Text Book Commission. All power and authority were transferred from the latter to the new commission. The Law of 1909 had changed the stipulation of political party affiliation from three to five who should not be members of the same party. The old law had also fixed the term of each member to four years.

---

[20] Ibid.

The new law provided that two persons should be appointed by the Governor for a period of two years to serve on the commission with the State Superintendent of Public Instruction, the President of the State Normal School (now Emporia State Teachers College), the President of the State Agricultural College (now Kansas State University), the State Printer, and the President of the State Board of Agriculture.[21] This commission was empowered to make its own rules and regulations and to determine the method of its procedure.

The chairman of the commission was to be chosen by the commission from one of its own members and to choose a secretary from outside the membership of the commission, "a person of recognized ability and well qualified to determine the educational value and use of school textbooks, and who shall maintain his office in the state capitol and devote all his time to the duties of such secretaryship. He shall keep all accounts and records of the State School Book Commission, shall furnish the commission with full and complete information as to the character, worth, adaptability, educational and mechanical value of such books as are used in the public schools of this state, and of other states, ..."[22] One would assume that to give such information the secretary would be a professional schoolman with advanced knowledge of school curricula and methods

---

[21]Kansas. Session Laws. 1913. Chapter 288, Sec. 1, p. 473.

[22]Ibid. p. 474.

of teaching in the different types of schools existing in the State of Kansas. It must be remembered, however, that professional education had not yet reached the degree of sophistication in 1913 that it has in the mid-twentieth century. Thus a secretary that qualified in 1913 might not qualify later.

Not only was the secretary to have the qualification to analyze the educational suitability of the books, but to have business ability as well. He was to see that the books were properly distributed and collections made for them. These transactions involved contracting for outlets in many counties and cities, dealing directly with school boards, determining the nearest railroad shipping stations, etc.

The Act of 1913 provided that all textbooks published by the state were to be printed under the supervision of the State Printer at the State Printing Plant.[23] However, anticipating that the existing State Printing Plant would be unable to handle the added volume of work entailed in printing all textbooks for Kansas children, the sum of one hundred and fifty thousand dollars were appropriated to purchase the grounds necessary to build an addition to the existing plant or separate buildings and to purchase machinery presses, type, and an electro-typing apparatus for the manufacture of the required books.[24] No doubt this figure was obtained from the McNeal Report.

---

[23] Ibid. Sec. 4, p. 475.

[24] Ibid. Sec. 12, p. 478.

Another sum of twenty-five thousand dollars was appropriated as a revolving fund for the purchase of paper and printers' and binding supplies. It should be noted that these sums were appropriated for the State School Book Commission and not for the State Printer. Thus the commission actually became a part owner of the printing plant.

The major responsibility, however, was the selection of the books to be used in the schools. The Act directed the State School Book Commission to "adopt, write, select, compile or cause to be written or compiled, or purchase copyrights for a complete series of school textbooks ... or ... contract for the right to publish any or all of such books on the payment of an agreed royalty therefor."[25] Should books not be available, the commission was empowered to purchase manuscripts and to fix the payment to authors for the exclusive right to publish those manuscripts for use in the schools of Kansas. The State Printer was to be furnished a copy and design for diagrams and illustrations.[26] In the real sense the State Printer became a job printer for the State School Book Commission, which was the publisher.

The 1913 law, though it honored all existing contracts with private publishers made by the State School Text Book Commission,

---

[25] Ibid. Sec. 3, p. 475.

[26] Ibid. Sec. 4, p. 475.

emphasized the single adoption plan, specifically charging the State School Book Commission to issue an order requiring the exclusive use of the adopted books in the public schools of Kansas and prohibiting any school official or teacher from authorizing the use of any other books.[27] It was permissible, however, for the schools to purchase reference books, but no parents were to be asked to buy such books for their children.

The maximum price of the books was fixed by the State School Book Commission by first getting a statement of the cost of material and labor required to publish the book. This statement was to be required of the State Printer. To this estimate was to be added the cost of copyrights, royalties, authorship, and other necessary expenses. But the maximum price could not be more than the actual cost of production and distribution.

The local school authorities were given the option of dealing directly with the State School Book Commission instead of through the authorized agents, but they were to make their requisitions before July 1 for the following school year, accompanying the requisitions by cash payments for the books involved.[28] The local school authorities were also authorized to designate a dealer to act as a distributing agent for the school district or city and he could charge

---

[27] Ibid. Sec. 6, p. 475-476.

[28] Ibid. Sec. 9, p. 477.

an additional ten percent for commission.[29]

Successive Revisions of the Law of 1913. The law of 1913 was to go through a series of revisions. It had generally referred to the "public schools" in the textbook adoption program, but in 1915 it included the specific phrase, "including high schools," and rather than provide only for publication of school textbooks, it added that the State School Book Commission "shall provide, by adoption ... for such books ... as they find it impossible or impractical to print or publish."[30] The dealer's commission was changed from ten percent to fifteen percent, but more important was the provision that the State School Book Commission was authorized to approve supplementary readers for the first four grades and historical, geographical, science and literature readers for any grade, in addition to duly adopted or published books.[31] The supplementary material was outside of the single adoption program and thus it was impractical to have these books printed by the state. In order to prevent the circumvention of the officially adopted or published textbook by any local school authorities, the law specifically provided that supplementary readers should not be used as a substitute for, or in lieu of, the

---

[29] Ibid. Sec. 8, p. 476-477.

[30] Kansas. Session Laws, 1915. Chap. 297, Sec. 1, p. 383.

[31] Ibid. Sec. 6, p. 387.

officially adopted book.[32]

To improve the distribution procedures, the law was modified in 1917, ordering the State School Book Commission to appoint at least one school-book dealer or agent in each county seat and in each first and second city of the state, and others as the commission saw fit. Each dealer was required to give a "personal or surety" bond in a sufficient sum to cover all purchases of school books for one year. In favor of the dealer was the provision that he could return any books for which he had not paid, excepting books, however, which had six months or less left in the adoption period. The dealer was now required to make a report each month about books on hand for which he had not yet paid the Commission. Should the Secretary of the State School Book Commission then decide that the books should be returned or be sent to other dealers, he must comply immediately.[33]

By 1919, the volume of printing had increased to the point where the printing facilities at the State Printing Plant were inadequate for school textbook production. The Legislature remedied this insufficiency by appropriating to the State School Book Commission thirty-five thousand dollars for the purpose of creating an

---

[32]Ibid. Sec. 6, p. 357.

[33]Kansas. Session Laws, 1917. Chap. 292, Sec. 2, p. 292-293.

addition to the printing plant on grounds already owned by the state,[34] thus increasing the problem of dual ownership of the printing plant by the State Printer's Office and the State School Book Commission. The problems of dual ownership for inventory and other reporting were recognized when the Legislature in 1921 transferred all machinery that was under the control of the State School Book Commission to the State Printer. The State Printer received an appropriation of thirty-seven thousand five hundred dollars to reimburse the commission for its loss.[35]

Just how complete the transfer was is not clear, since appropriations to become effective on the same date included money "for the making of school books, and the maintenance of equipment therefor ..."[36] To clarify any questions that might arise because of this provision in the act, the 1923 Legislature transferred to the State Printer custody and control of all machinery, paper stock, printing and binding materials which the commission had on hand and ordered the State Printer to reimburse the commission from any funds he had on hand.[37] The same act prohibited the State School Book Commission from "making, printing or manufacturing school books," and

---

[34]Kansas. Session Laws, 1919. Chap. 50, Sec. 2, p. 69.

[35]Ibid. Chap. 7, Sec. 1, 2, 3, p. 32.

[36]Ibid. Chap. 8, Sec. 1, p. 32.

[37]Kansas. Session Laws, 1923. Chap. 10, Sec. 2, p. 25.

from purchasing machinery, stock or any materials used in the manufacturing of school books.[38]

Because of the pressures brought upon the Legislature concerning the membership in the State School Book Commission, Section 74-301 of the statutes was revised to change the membership to seven members consisting of the State Superintendent of Public Instruction, the State Printer, and five members appointed by the Governor, one of whom must be a county superintendent, one a superintendent of schools in a first or second class city, and three members to be engaged in farming, business, or a profession other than teaching.[39] The act abolished the State School Book Commission and created the School Book Commission, though later laws actually again refer to the newly created commission as the State School Book Commission.

The Law of 1937. In 1937, the School Book Commission was abolished and its function and authority were transferred to the State Board of Education. This board had been created in 1873, consisting of the State Superintendent of Public Instruction, the Chancellor of the State University at Lawrence, President of the State Agricultural College at Manhattan, and the principals of the

---

[38]Ibid. Sec. 3, p. 25.

[39]Kansas. Session Laws, 1933. Chap. 273, Sec. 1, p. 416.

[40]Kansas. Session Laws, 1873. Chap. 133, Sec. 142.

State Normal School at Emporia and Leavenworth.[40] Membership changed with amendments to the law at various times. The State Board of Education in 1937, when it took over the work of the School Book Commission, consisted of the State Superintendent of Public Instruction as ex officio chairman, and eight members appointed by the Governor: one from the faculty of the University of Kansas or from Kansas State Agricultural College (now Kansas State University), one member from the faculty of the three state teachers colleges, one from the faculty of one of the denominational or privately endowed colleges of the state, one county superintendent, one city school superintendent, one high school superintendent or principal, and two citizens engaged in farming, business, or profession other than teaching.[41] Thus at the time that the selection and adoption of school textbooks were transferred to the State Board of Education, the board consisted primarily of educators. Though this board was thus perhaps better qualified, and most likely more sympathetic to the teachers, the primary selection was made by the Textbook Advisory Committee appointed by the Board of Education, a majority of whom were to be principals, superintendents, or teachers in the high and elementary schools. Membership in the Textbook Advisory Committee was limited to nine members and was to represent all types of

---

[40]Kansas. Session Laws, 1873. Chap. 133, Sec. 142.

[41]Kansas. Session Laws, 1933. Chap. 272, Sec. 1, p. 487.

schools for which the books were adopted. At least two books for each grade were to be submitted to the Board of Education, one of which should be suitable for printing at the State Printing Plant.[42] The original adoption period remained five years, but an extension of adoption for a specific textbook could be from one to five years, depending upon the recommendation of the Textbook Advisory Committee.[43]

In order to give ample time for reviews of specimen textbooks, the Board of Education was to announce to textbook publishers seven months in advance of adoption for which subjects it wished to receive bids.[44] All books to be printed by the State Printing Plant were to be adopted by December 1 preceding the September when the book was first to be used by the pupils.[45]

The new act placed the purchasing power for all supplies and materials necessary to manufacture the books in the hands of the State Business Manager and the Board of Administration. The State Printer was to supply estimates on specifications, including grade of paper, after which the supplies and materials were to be bought on the open market through duly called for bids.[46] Though the State

---

[42]Ibid. Sec. 3, p. 488.

[43]Ibid. Sec. 2, p. 488.

[44]Ibid. Sec. 4, p. 488.

[45]Ibid. Sec. 5, p. 488.

[46]Ibid. Sec. 6, p. 491.

Board of Education had the same powers as the School Book Commission, and though the law required the Textbook Advisory Committee to submit at least two titles for adoption, one of which must be printable by the State Printer, it stated specifically, "That all textbooks adopted for use in the public schools, grades one to eight, inclusive, be printed and manufactured in the state owned printing plant, and that the state printer is hereby authorized to submit bids to publishers for making, printing or manufacturing school textbooks for use in this state and he is further authorized to make, print, or manufacture under contract with any author or publisher whose book or books have been adopted by the state board of education such of said books as may be necessary for use in the schools of the State of Kansas only." The State Printer's contracts were subject to the approval of the State Board of Education.[47] The provision that books for grades one through eight be manufactured at the State Printing Plant in effect forced the Textbook Advisory Committee to recommend to the Board of Education only books that fell into that category, thus eliminating those publishers who did not submit bids for state printing. So that there could be no question of the intention of the act with reference to the mandatory aspect of the work to be done at the State Printing Plan, Section 9 clarified this by stating, "That the printing of all textbooks published by the state, and provided for in this act,

---

[47] Ibid. Sec. 8, p. 490.

and all mechanical work connected therewith, shall be done by and under the supervision of the state printer, at the state printing plant."[48]

Before the abolition of the School Book Commission and the transfer of its powers to the State Board of Education, the Legislature passed another act that provided for the laboratory testing of new school textbooks proposed for adoption. It authorized and directed that whenever a textbook were submitted for adoption which in the judgment of the School Book Commission was superior to the one currently in use, the commission was to secure a sufficient number to use in forty to fifty average schools in the state for one year, but not more than two years, to determine the comparative progress made by the pupils.[49] This, to a certain extent, involved more teachers in the selection process.

The Law of 1945. The membership of the State Board of Education as constituted in 1937 consisted primarily of educators. The Act of 1945 completely changed this. The board was now to consist of seven members appointed by the Governor from members of the two political parties casting the highest and second highest vote for the Secretary of State in the preceding general election. Each party was

---

[48]Ibid. Sec. 9, p. 490.

[49]Kansas. Session Laws, 1937. Chap. 304, Sec. 142.

to have at least three members on the board. Any competent citizen was eligible to be a member except that "no person who is engaged in school work as a teacher, principal or superintendent shall be eligible to be appointed or serve on the state board created by this act."[50] The term was limited to three years.

The newly elected, reorganized State Board of Education was to act in an advisory capacity to the State Superintendent of Public Instruction on all matters under his jurisdiction. With specific reference to school textbooks, however, it was to approve or reject school textbooks recommended for adoption.[51] Previously, an adoption period had always been for five years, but, once adopted, a book remained in use for that period. Any successive adoption period was also for five years. The 1945 Act still provided for an original five year adoption period, but after that, a textbook could be adopted for any added period, one to five years, according to the recommendation of the Textbook Advisory Committee.[52] The new board was allowed to terminate without any liability to the State of Kansas any contract in force at the time of its organization if they deemed it unsuitable for use in the schools.[53]

---

[50]Kansas. Session Laws, 1945. Chap. 282, Sec. 19, p. 485.

[51]Ibid. Sec. 20, p. 486.

[52]Ibid. Sec. 45, p. 494.

[53]Ibid. Sec. 43, p. 493.

The Textbook Advisory Committee plan was expanded to three: one committee for high schools, one for junior high schools, and one for the elementary schools. Previously, all levels were represented, but separate committees were not specified. While the Board of Education now consisted of non-school people, the Textbook Advisory Committees which were to be appointed by the Board of Education did give emphasis to people in the teaching field. The total membership of each committee was to be not less than five nor more than seven, the majority being school supervisors, principals, supervisors, or teachers in the high and elementary schools, covering grades one through twelve. At least two members of each committee were to be selected from citizens not engaged in teaching. [54]

It was the duty of each Textbook Advisory Committee to submit to the Board of Education a list of books consisting of at least three textbooks, one of which must be printable at the State Printing Plant, for each course of study, together with an abstract stating definite reasons for their recommendations. [55] The post-war concern in the United States about un-American propaganda was observable here in the mandate given to the Textbook Advisory Committee "to pay particular attention to the content of all books as pertains to propaganda or ideologies which might be un-American." [56]

---

[54] Ibid. Sec. 46, p. 494.

[55] Ibid.

[56] Ibid. Sec. 47, p. 494.

The State Superintendent of Public Instruction, presumably a school man, became further active in textbook selection if the Board of Education adopted more than one book or more than one series of books for a subject at any given time. If and when this condition obtained, he chose the single title from the adopted list.[57] It was his duty, of course, also to collect the recommendations of the various Textbook Advisory Committees and present them to the board.

Any provisions of the 1937 Act not specifically changed by the 1945 Act remained in force. One further change that involved the Superintendent of Public Instruction more closely with the textbook selection process was the authorization of the position of Textbook Assistant. To this position were transferred the duties of the Secretary of the State Board of Education and its predecessors relative to textbooks. Aside from the business aspects of the textbook activity his duty continued to include his furnishing to the State Board of Education and to the State Superintendent of Public Instruction "full and complete information as to character, worth, adaptability, educational and mechanical value of such books as are used in the public schools of this state, and of other states, ..."[58]

The Law of 1957. From 1945 to 1957, no substantial legal changes

---

[57] Ibid. Sec. 47, p. 494.

[58] Ibid. Sec. 51, p. 495.

were made concerning textbook selection, or textbook printing at the State Printing Plant. In 1957, however, the House Committee on Education introduced House Bill No. 443 which, after it passed both houses of the Legislature, eliminated the single adoption plan first legalized in 1897. The three Textbook Advisory Committees were abolished and a Textbook Screening Committee of fifteen members was created. These members were to be competent citizens appointed by the State Superintendent of Public Instruction subject to the approval of the State Board of Education. Three members were to be persons not engaged in school work; four were to be teachers or administrative officers in schools with grades one through six; four were to be teachers or administrative officers in schools with grades seven through nine; and four were to be teachers or administrative officers in schools with grades ten through twelve.[59] The Committee was to meet once a year and as the Superintendent of Public Instruction determined.

The duties of this Textbook Screening Committee were to examine all textbooks and workbooks offered for sale in Kansas and to submit a list of those titles the committee believed suitable for the various fields to the Superintendent of Public Instruction.[60] However, before the Textbook Screening Committee could examine a

---

[59]Kansas. Session Laws, 1957. Chap. 373, Sec. 1, p. 826.

[60]Ibid. Sec. 2, p. 827.

book, the publisher had to file a guarantee that the prices of the books offered for sale in Kansas would not be greater than in any other state of the country. The State Superintendent of Public Instruction prepared an annual printing of the titles submitted by the Textbook Screening Committee and distributed the list to the governing body of each school district in a manner that he determined, subject to the approval of the State Board of Education.[61]

If a publisher's book were not submitted by the Textbook Screening Committee, the publisher was to be notified and if he desired he could have a hearing before the State Department of Public Instruction prior to the printing of the lists. The decision of the department after the hearing was final.[62]

The selection of the textbooks from the list to be used in the local school districts or city school systems was delegated to the governing body of that school district. The smaller school districts which were under the supervision of a County Superintendent of Public Instruction, however, were to adopt textbooks selected by a county committee appointed by the County Superintendent. Any district in this category employing a "qualified and properly certified officer" however, was not subject to the county committee's selection, but could adopt another title from the State's printed list.[63]

---

[61] Ibid.

[62] Ibid. Sec. 3, p. 827.

[63] Ibid. Sec. 4, p. 827-828.

Contracts for the printing of the textbooks at the State Printing Plant were to remain valid until their expiration date. This provision simply meant that all contracts would be over at the end of the five-year adoption period or by 1962, at which time the State Printing Plant would no longer be involved in the school textbook question. Any surplus of books and materials remaining at the end of the contract period were to be liquidated and the proceeds deposited in the State School Book Fund.[64]

---

[64] Ibid. Sec. 6, p. 828.